

Customer No. 30223

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of: )  
Stephan S. Porter et al. )

Atty. Docket No.: 47168-00245USPT

Examiner: John J. Wilson

Application No.: 10/713,404 )

Group Art Unit: 3732

Filed: November 13, 2003 )

For: Dental Implant )  
System )

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 9-21-2006.

Signature

37 CFR § 1.131 DECLARATION OF STEPHAN S. PORTER, DAN P. ROGERS, AND RALPH E. GOODMAN

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

We, Stephan S. Porter, Dan P. Rogers, and Ralph E. Goodman, declare that:

1. We are the co-inventors of United States Patent Application No. 10/713,404.
2. Implant Innovations Inc. is the assignee of United States Patent Application No. 10/713,404.
3. We invented the subject matter disclosed and claimed in this patent application prior to June 3, 2002, the priority date of United States Patent Publication No. 2003/0224327 A1 to Constantino.
4. Well before the priority date of the Constantino reference, we were involved in developing a new dental implant and abutment design at Implant Innovations, Inc. As part of the development of the dental implant and abutment, several Computer Aided Design ("CAD") drawings of different iterations of the implant and the abutment were made. Exhibit A was created before June 3, 2002, and shows one iteration of CAD drawing of the implant. Exhibit B was created before June 3, 2002, and shows one iteration of CAD drawing of the abutment.

5. Exhibit C is a CAD drawing of another iteration of the implant. Exhibit C was created before June 3, 2002, the priority date of the Constantino reference.

6. Exhibit D is a CAD drawing of another iteration of the abutment. Exhibit D was created before June 3, 2002, the priority date of the Constantino reference.

7. Physical prototypes of the design shown in the CAD drawing of Exhibit A, Exhibit B, Exhibit C, and Exhibit D were created before the priority date of Constantino of June 3, 2002. Some of the information has been redacted from the CAD drawings of Exhibit A, Exhibit B, Exhibit C, and Exhibit D.

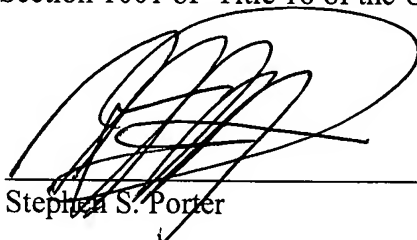
8. Exhibit E is a Testing Request Form requesting the testing of the physical prototypes of the implant and the physical prototypes of the implant shown in Exhibit C and the abutment shown in Exhibit D. Exhibit E is dated before June 3, 2002, the priority date of the Constantino reference. Some of the information has been redacted from the Testing Request Form of Exhibit E.

9. We diligently continued our work on the new dental implant and abutment design that is the subject of the pending claims from prior to June 3, 2002 to February 26, 2003, the filing date to the second-filed provisional application (Serial No. 60/450,541) to which our currently pending application claims priority. The development of this new dental implant and abutment continued at Implant Innovations, Inc. until these products were commercially released as the Certain® implant line of products in 2003.

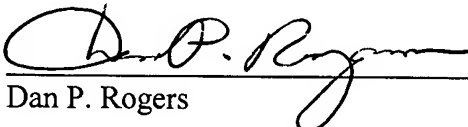
10. Based on these facts, it is clear that we invented the subject matter of the presently claimed invention prior to June 3, 2002, the priority date of the Constantino reference.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

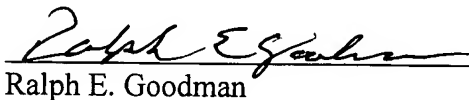
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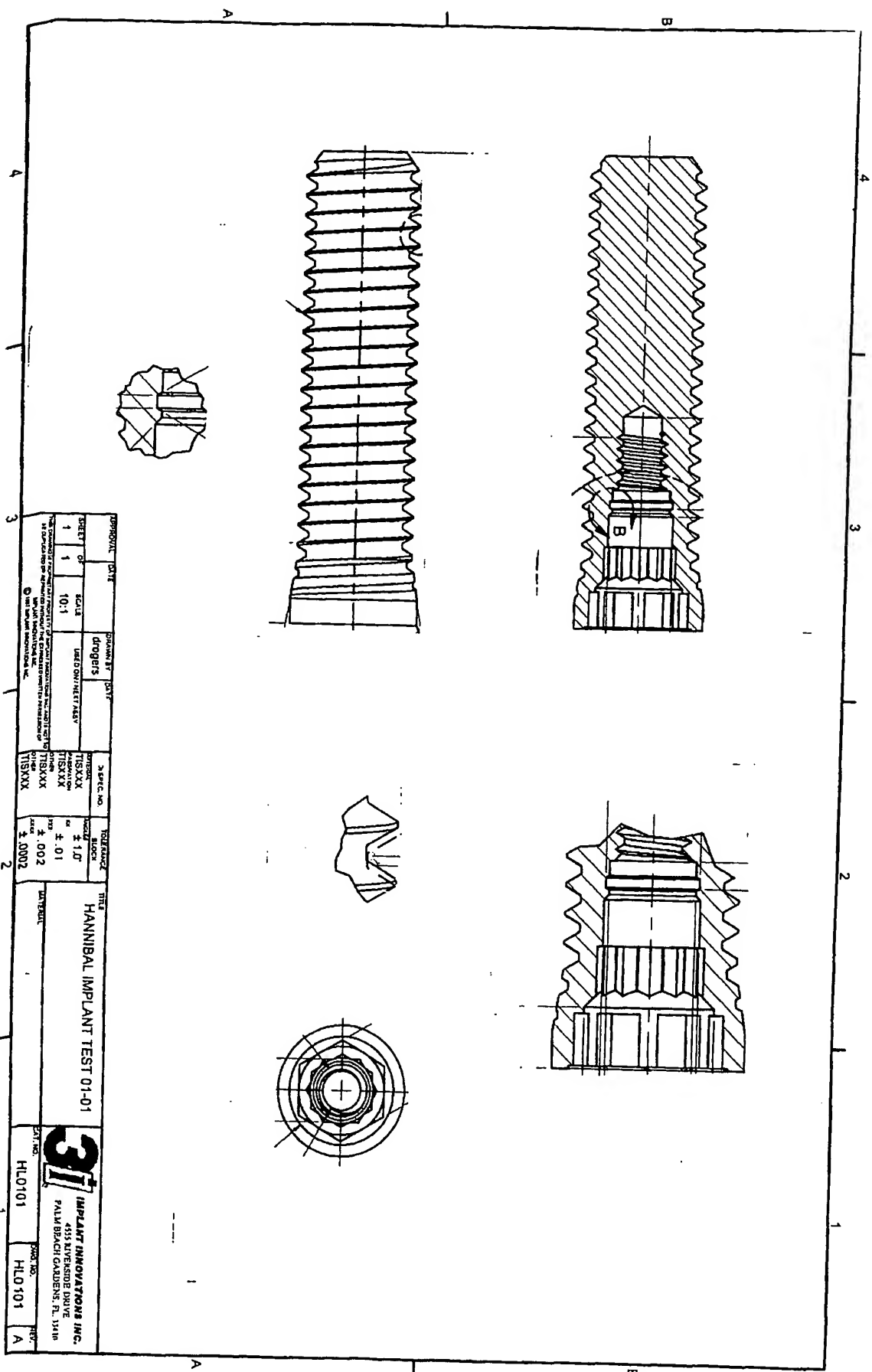
  
Stephen S. Porter

9/5/2006  
Date

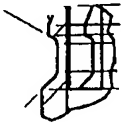
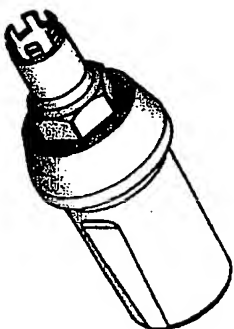
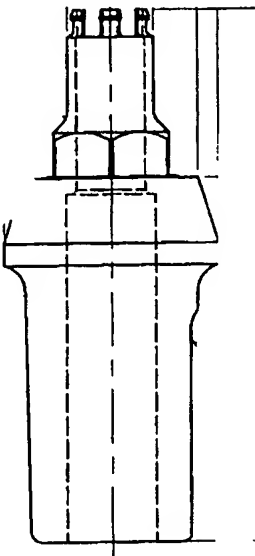
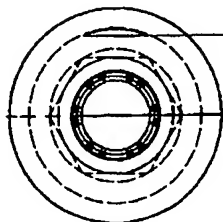
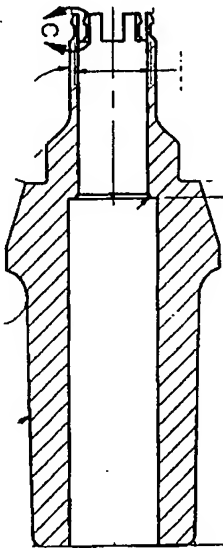
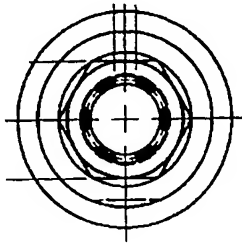
  
Dan P. Rogers

9.5.06  
Date

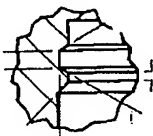
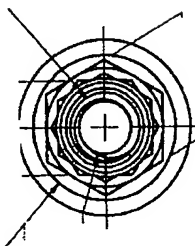
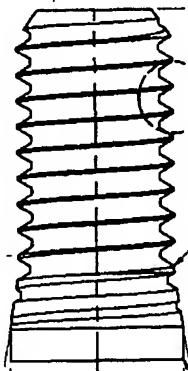
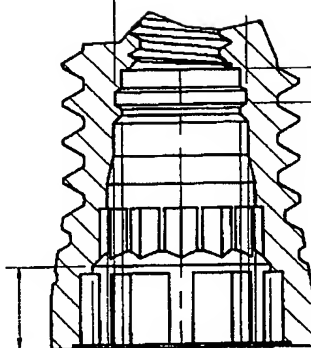
  
Ralph E. Goodman



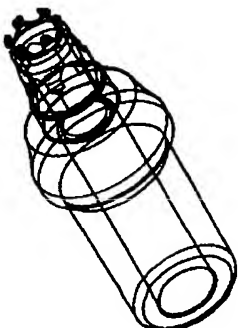
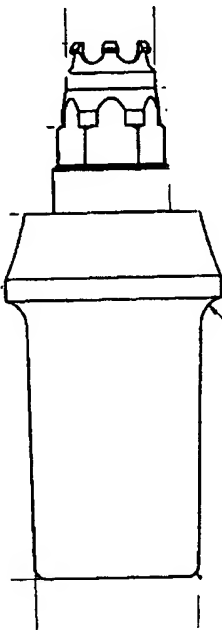
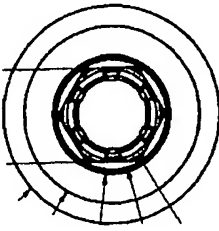
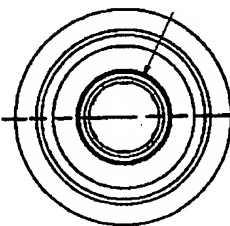
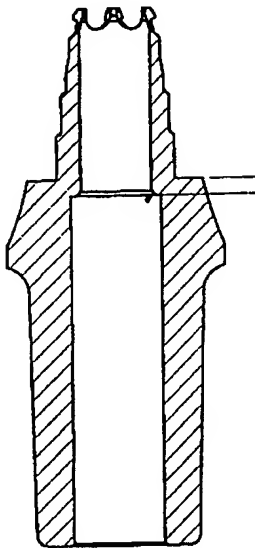
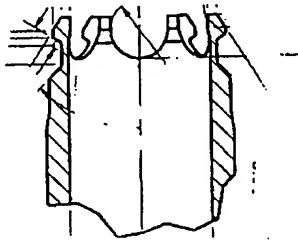
PROPERTY		DATE		DRAWN BY		DATE		TITLED	
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1		1		10:1		10:1		IMPLANT INNOVATIONS INC.	
1		1		10:1		10:1		4355 RIVERSIDE DRIVE	
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1		1		10:1		10:1		HLO101	
1		1		10:1		10:1		HLO101	
1		1		10:1		10:1		A	



DRAWING DATE		DRAWN BY		DATE		SUBC. NO.		TOLERANCE		TITLE	
1		1		10-1		TSSXXX		± 1.0		HANNUBAL ABUTMENT TEST 0101	
1		1		10-1		TSSXXX		± 0.1		3i	
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1		1		10-1		TSSXXX		± 0.002		REV.	
1		1		10-1		TSSXXX		± 0.002		0	



APPROVAL DATE	SCANNED BY	DATE	SPEC. NO.	TOLERANCE	TITLE
	drgmgrs			BLOCK	HANNIBAL IMPLANT TEST 03-03
SHEET OF	SCALE	UNIT OR MET. ASSY	TIS:XXX	$\pm 1.0'$	
1	10:1		TIS:XXX	$\pm .01$	
			TIS:XXX	$\pm .002$	
			TIS:XXX	$\pm .0002$	
<p>THIS DOCUMENT IS NOT VALID FOR PRODUCTION OF SURVIVAL IMPLANT (SEE THE ASSY AND INT) UNLESS IT IS ACCOMPANIED BY THE FOLLOWING INFORMATION:</p> <p>1. DATE OF TEST OR INSPECTION OF THE IMPLANT (MONTH, DAY, YEAR)</p> <p>2. NAME OF THE PERSON WHO TESTED OR INSPECTED THE IMPLANT</p> <p>3. NAME OF THE COMPANY THAT TESTED OR INSPECTED THE IMPLANT</p>					
DATE	BY	NO.	REV.		
HL0303		HL0303	0		



DATE		REVISED		TITLE	
10-1		10-1		HANNIBAL PRE-ANGLED ABUTMENT TEST 03-03	
10-1		10-1		3i	
10-1		10-1		IMPLANT INNOVATIONS INC. 4555 RIVERSIDE DRIVE PALM BEACH GARDENS, FL 33410	
10-1		10-1		H.L.P.A0303	
10-1		10-1		H.L.P.A0303	
10-1		10-1		0	

# Materials Testing/Microscopy Laboratory Request Form

Lab No. LOI-0026 Project No. 223 Date: \_\_\_\_\_

Test Requested By: DAN ROGERS

Where Testing is to be performed:

☒ 3I Lab ☐ Other: \_\_\_\_\_  
4555 Riverside Drive  
Palm Beach Gardens, FL 33410

Purpose for Testing:

This is to test the 3<sup>rd</sup> iteration of the HL-1C  
implant/abutment connection in static load.

☐ Project ☐ Validation ☐ First Production ☐ Prototype ☒ Feasibility  
☐ Verification ☐ Surface Analysis ☐ Composition ☐ Other: \_\_\_\_\_

Type of Test to be Performed:

☐ Tensile ☐ Torque ☐ Other: \_\_\_\_\_  
☒ Static Load Compression ☐ Finite Elements ☐ Fatigue: Starting Load \_\_\_\_\_  
Number of Cycles 1

Equipment Used:

☒ Instron Machine ☐ SEM ☐ Interferometric Microscope ☐ Other: \_\_\_\_\_

Specimens:

Product: HL-0303 Qty: 3 Size: N/A

Material: INPL-ABUT Catalog No. N/A Lot No: \_\_\_\_\_

Product: \_\_\_\_\_ Qty: \_\_\_\_\_ Size: \_\_\_\_\_

Material: \_\_\_\_\_ Catalog No. \_\_\_\_\_ Lot No: \_\_\_\_\_

Product: \_\_\_\_\_ Qty: \_\_\_\_\_ Size: \_\_\_\_\_

Material: \_\_\_\_\_ Catalog No. \_\_\_\_\_ Lot No: \_\_\_\_\_

Product: \_\_\_\_\_ Qty: \_\_\_\_\_ Size: \_\_\_\_\_

Material: \_\_\_\_\_ Catalog No. \_\_\_\_\_ Lot No: \_\_\_\_\_

Product: \_\_\_\_\_ Qty: \_\_\_\_\_ Size: \_\_\_\_\_

Material: \_\_\_\_\_ Catalog No. \_\_\_\_\_ Lot No: \_\_\_\_\_